

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE: OHIO EXECUTION
PROTOCOL LITIGATION

: Case No. 2:11-cv-1016

- vs -

Chief Judge Edmund A. Sargus, Jr.
: Magistrate Judge Michael R. Merz

This document relates to:
Plaintiff Warren Henness

:

**ORDER REGARDING MOTION TO STRIKE AND MOTION TO
QUASH**

This method-of-execution case, brought pursuant to 42 U.S.C. § 1983, is before the Court on Plaintiff Warren Henness's Motion to Strike the Expert Report and Testimony of Defendants' Expert Witness Daniel E. Buffington, Pharm.D. (ECF No. 1997), and Defendants' Motion to Quash the Subpoena *Duces Tecum* propounded by Henness upon Dr. Buffington (ECF No. 2009). Further, during a November 14, 2018, telephonic status conference, counsel for Henness stated his intention to file a motion *in limine* regarding Dr. Buffington's anticipated testimony. Resolution of the Motion to Strike and Motion to Quash will aid this Court in its ruling on the anticipated motion *in limine*, if not render any such motion moot. Accordingly, Defendants and Henness are ordered to file memoranda *contra* the Motion to Strike and Motion to Quash, respectively, no later than 12:00 p.m. on Wednesday, November 21, 2018.

November 20, 2018.

s/ *Michael R. Merz*
United States Magistrate Judge